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| 09/621,085      | 07/21/2000  | Andreas Kruger       | 569.38791X00        | 4806             |

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EXAMINER

MILLER, BRANDON J

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2683

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DATE MAILED: 08/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/621,085

Applicant(s)

KRUGER ET AL.

Examiner

Brandon J Miller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 9-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## DETAILED ACTION

### *Response to Amendment*

#### *Title*

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mamori in view of Mohlenkamp.

Regarding claim 9 Mamori teaches an operable device, comprising an operating panel through which a user can produce and/or change existing operating states of an operable device (see pg. 5, lines 22-23 & 45-48). Mamori teaches a decision unit which blocks or releases certain operating states of an operable device based on received data (see pg. 7, lines 30-41). Mamori does not teach receiving data for determining vehicle-specific conditions by evaluating the received data and converting the vehicle-specific conditions into a driving profile and blocking or releasing operating states based on the driving profile. Mohlenkamp teaches receiving data for determining vehicle-specific conditions by evaluating the received data and converting the vehicle-specific conditions into a driving profile (see col. 2, lines 5-10 & 47-59).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include receiving data for determining vehicle-specific conditions by evaluating the received data and converting the vehicle-specific conditions into a driving profile and blocking or releasing operating states based on the driving profile because this would allow for remote operation of external devices based on vehicle conditions.

Regarding claim 10 Mamori teaches an operable device, comprising an operating panel through which a user can produce and/or change existing operating states of an operable device (see pg. 5, lines 22-23 & 45-48). Mamori teaches a decision unit which blocks or releases certain operating states of an operable device based on received data (see pg. 7, lines 30-41). Mamori does not teach receiving data for determining vehicle-specific conditions by measuring fluctuation of a driving speed of the vehicle over a time period and blocking or releasing operating states based on the measured fluctuation. Mohlenkamp teaches receiving data for determining vehicle-specific conditions by measuring fluctuation of a driving speed of the vehicle over a time period (see col. 2, lines 5-10 & 47-59). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include receiving data for determining vehicle-specific conditions by measuring fluctuation of a driving speed of the vehicle over a time period and blocking or releasing operating states based on the measured fluctuation because this would allow for remote operation of external devices based on vehicle conditions.

Regarding claim 11 Mamori teaches an operable device that is suitable for receiving and/or transmitting data (see pg. 5, lines 27-30).

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Regarding claim 12 Mamori teaches a device as recited in claim 11 and is rejected given the same reasoning as above.

Regarding claim 13 Mamori teaches an operable device with equipment that collects information on the conditions and/or states under which or in which an operable device is currently being operated, and that transmits the information as data to a decision unit (see pg. 7, lines 41-53).

Regarding claim 14 Mamori teaches a device as recited in claim 13 and is rejected given the same reasoning as above.

Regarding claim 15 Mamori teaches a device as recited in claim 13 and is rejected given the same reasoning as above.

Regarding claim 16 Mamori teaches a device as recited in claim 13 and is rejected given the same reasoning as above.

Regarding claim 17 Mamori teaches an operable device with a receiving unit, wherein data received by the receiving unit is also transmitted to a decision unit to be used alone or together with other data to block or release certain operating states of an operable device (see pg. 7, lines 41-53 and FIG. 3).

Regarding claim 18 Mamori teaches a device as recited in claim 17 and is rejected given the same reasoning as above.

Regarding claim 19 Mamori teaches a device as recited in claim 17 and is rejected given the same reasoning as above.

Regarding claim 20 Mamori teaches a device as recited in claim 17 and is rejected given the same reasoning as above.

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Regarding claim 21 Mamori teaches a device as recited in claim 17 and is rejected given the same reasoning as above.

Regarding claim 22 Mamori teaches a device as recited in claim 17 and is rejected given the same reasoning as above.

Regarding claim 23 Mamori teaches a device as recited in claim 17 and is rejected given the same reasoning as above.

Regarding claim 24 Mamori teaches a device as recited in claim 17 and is rejected given the same reasoning as above.

### ***Response to Arguments***

Applicant's arguments with respect to claims 9 and 10 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kraft U.S Patent No. 6,463,278 discloses a telephone automatic mode.

Alperovic U.S Patent No. 6,233,448 discloses a system, method and apparatus for automatic feature activation/deactivation based upon positioning.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J Miller whose telephone number is 703-305-4222. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

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WILLIAM TROST  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

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